

STATE LAW PREVENTS DSHS FROM RELEASING INFORMATION ABOUT MENTAL HEALTH CLIENTS IN MOST CIRCUMSTANCES

State law (primarily RCW 71.05.390) protects all mental health information about a DSHS client, including whether or not the person even received treatment, unless a specific exception applies to give access to the records or the consumer gives express written permission to make his or her records available.

Exceptions for disclosure of information are:

- Between professionals in guardianship proceedings. Consent of individual or guardian required before a facility may disclose except to: (a) professionals employed by facility; (b) people responsible for medical care; (c) county designated mental health professionals; (d) professionals providing services under the Community Mental Health Act (e) employees of a correctional facility where the client is confined; or (f) professionals providing services for the criminally insane
- From a facility providing outpatient services for special needs of a client to the facility where patient resides
- People authorized by the client or his or her guardian or parent to obtain information
- When needed to make insurance or medical assistance claims
- For program evaluation or research if recipients of the information sign confidentiality oaths.
- To courts to administer the law or if ordering evaluation or treatment to prevent entry of an inconsistent court order
- To law enforcement, public health officers, Department of Corrections or Indeterminate Sentence Review Board for persons in custody when necessary to carry out their responsibilities. Authorized recipients receiving information must keep it confidential but shall disclose additional information after notice to the client and his or her attorney upon showing of necessity and maintenance of confidentiality. Prior notice is not required if the client is an escapee.
- To the client's attorney
- To prosecuting attorney after notice
- To law enforcement and threatened victims, including dates of commitment and release and other related information
- To law enforcement during a crisis posing serious risk to the public
- To next of kin or guardian if deceased
- To Department of Health to determine compliance with licensing laws.

[Click here for detailed information about confidentiality law](#)